

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

INLAND NORTHWEST RENAL CARE  
GROUP, LLC d/b/a NORTHPOINTE  
DIALYSIS,

Plaintiff,

v.

WEBTPA EMPLOYER SERVICES, LLC  
and FIRST CHOICE HEALTH NETWORK,  
INC.

Defendants.

No. C19-1758-JCC-SKV

**JOINT MOTION FOR ENTRY OF  
ORDER STAYING CASE AND  
(PROPOSED ORDER)**

NOTED ON MOTION CALENDAR:  
FEBRUARY 2, 2022

The Parties to the above-captioned action, Plaintiff Inland Northwest Renal Care Group, LLC d/b/a Northpointe Dialysis (“Northwest”), Defendant WebTPA Employer Services, LLC (“WebTPA”), and Defendant First Choice Health Network, Inc. (“First Choice”) (collectively, the “Parties”), hereby jointly move for entry of an order staying the case and all associated deadlines for a period of 90 days, to permit the Parties to focus on a series of scheduled mediations with the Parties to this case and multiple other entities who may bear ultimately responsibility for any damages award. The Parties believe that this stay will facilitate their joint efforts to resolve this dispute without the need for further litigation or use of judicial resources. In support of this Joint Motion, the Parties state as follows:

1. This lawsuit arises from a dispute between the Parties with regard to the rates that Defendant WebTPA paid for the dialysis and related services that Plaintiff Northwest

1 provided to a specific patient under the PPO network operated by Defendant First Choice. This  
 2 case is currently in the discovery stage with a trial date set for August 22, 2022.

3 2. This lawsuit has spawned two other legal proceedings: (1) an arbitration between  
 4 Defendant WebTPA and the Spokane Tribe (the “Arbitration”), and (2) a lawsuit in this Court  
 5 between Defendant WebTPA and its insurance carrier (entitled *Associated Industries Ins. Co.*  
 6 *v. Communitas, Inc. et al.* and currently pending as Civil Action No. 2:21-cv-00708-LK).

7 3. Over the preceding year, the Parties to this action have been engaged in  
 8 settlement discussions to attempt to resolve this dispute outside of court. On May 26, 2021, the  
 9 Parties attended a mediation and have continued settlement discussions thereafter. At the time  
 10 of that first mediation, other stakeholders in this matter (including the Spokane Tribe and its  
 11 principle stop-loss insurer) were unwilling to participate in the settlement discussions.

12 4. Recently the Spokane Tribe and other parties to the Arbitration have agreed to  
 13 participate in a mediation process to hopefully come to a full and complete resolution to this  
 14 entire dispute. The Parties are hopeful that the participation of these additional entities will  
 15 facilitate a settlement.

16 5. To further this goal, the Parties have now agreed to schedule two further  
 17 mediations to occur in February 2022, which the Parties are hopeful will lead to the final  
 18 resolution of this entire dispute. The first of the mediations is currently scheduled for February  
 19 8, 2022, and is expected to include the Defendants and a number of other third parties that may  
 20 ultimately bear financial responsibility for Northwest’s contended damages. This first  
 21 mediation is intended to allow discussions that will facilitate the negotiations with the Plaintiff  
 22 to resolve the matter in the second mediation, which is scheduled for February 23, 2022.

23 6. The Parties and various stakeholders are committed to attempting to resolve the  
 24 case and believe that everyone’s interests are best served by allowing the Parties to avoid further  
 25 litigation expense and focus their efforts on resolution. Given the progress of settlement  
 26 discussions thus far, they are hopeful that they can ultimately settle this case in February or  
 27 shortly thereafter.

7. Pursuant to the current Case Scheduling Order, there are a number of deadlines approaching that would otherwise require the Parties to focus their attentions on litigation and expend considerable resources in the short term. The discovery motion deadline is set for February 24, 2022, and the close of discovery is set for March 25, 2022. *See* Dkt. No. 61. Should the deadlines not be stayed, the Parties will need to not only expend resources, but will likely burden the Court with motions to compel that would not be necessary should this matter settle. Further, suspending the need to do this work will place additional pressure on the Parties to settle the case, as the Parties will be able to avoid additional fees and costs from this additional work should the matter settle. The Parties jointly wish to attempt to resolve this matter without the counterproductive need to conduct further discovery, and litigate a number of discovery disputes.

8. “The District Court has broad discretion to stay proceedings as an incident to its power to control its own docket.” *Clinton v. Jones*, 520 U.S. 681, 706 (1997); *Ali v. Trump*, 241 F. Supp. 3d 1147, 1151 (W.D. Wash. 2017) (“[T]he power to stay proceedings is incidental to the power inherent in every court to control disposition of the cases on its docket with economy of time and effort for itself, for counsel, and for litigants.”). In considering whether to grant a stay, the District Court should consider several factors, including “the possible damage which may result from the granting of a stay, the hardship or inequity which a party may suffer in being required to go forward, and the orderly course of justice measured in terms of the simplifying or complicating of issues, proof, and questions of law which could be expected to result from a stay.” *CMAX, Inc. v. Hall*, 300 F.2d 265, 268 (9th Cir. 1962). Whether to stay proceedings rests in the “sound discretion” of the District Court. *Ali*, 241 F. Supp. 3d at 1151.

9. Courts in the Ninth Circuit have stayed litigation where a settlement would resolve the entire litigation and thereby preserve judicial resources. *See Branca v. Iovate Health Sciences, Inc.*, No. 12cv01686-LAB (WMC), 2013 WL 1344306, at \*2 (S.D. Cal. April 2, 2013) (staying litigation because settlement in separate litigation would resolve both actions);

1 *Christensen v. CLP Resources, Inc.*, No. CV 14-8073-GW(PLAx), 2015 WL 13764185, at \*1  
2 (C.D. Cal. Nov. 16, 2015).

3 10. Here, the Court should exercise its discretion to stay this case for a period of 90  
4 days to permit the Parties to engage in the scheduled mediations and focus their efforts on  
5 resolving the matter without the need for further litigation. All of the relevant factors weigh in  
6 favor of granting a stay. There is no hardship or damage posed by granting a stay – all Parties  
7 are joining in this Motion, and no party will be prejudiced by the granting of a stay. Granting  
8 a stay will hopefully allow the Parties to resolve this case entirely, as well as two other  
9 associated litigations, thereby saving judicial resources, as well as the resources of the parties  
10 to this action and the other proceedings.

11 WHEREFORE, the Parties respectfully request that the Court enter an order staying the  
12 case and all associated deadlines for a period of 90 days.

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Respectfully submitted by the Parties on this 2nd day of February, 2022:

/s/ Carin Marney

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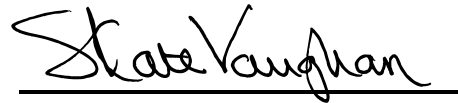
**~~Proposed~~ Order**

The Parties' Joint Motion for Entry of Order Staying Case is hereby GRANTED and  
IT IS HEREBY ORDERED that:

1. The above-captioned action and all deadlines related thereto shall be stayed for  
a period of 90 days;

2. The Parties shall file a joint status report 90 days after the date of this Order  
regarding the status of settlement negotiations and advising whether the Parties wish to extend  
the stay.

**SO ORDERED this 4th day of February, 2022.**



S. KATE VAUGHAN  
United States Magistrate Judge